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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,482	02/05/2004	Yibei Ling	APP 1484	4980

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,482

Applicant(s)

LING ET AL.

Examiner

Meless N. Zewdu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 12 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 12 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on 9/22/06.
2. Claims 6, 12 and 20 are pending in this action.
3. This action is final.

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. In the remarks section of the response filed on September 30, 2005, and in the "Amendments to the specification" of march 9 2006, applicant has included www.yahoo.com, (see page 6) in the amendment to the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gao et al. (Gao) (US 2004/0067754 A1) in view of Harvey et al. (Harvey) (US 2004/0133563 A1).

As per claim 6: Gao teaches about a user device (fig. 2, element 120) operating in a heterogeneous wireless network environment (see abstract);

means for determining that said user device is in an area of overlap by different networks within said environment (see fig. 2; paragraph 0027);

means for handing off said user device (abstract) from said first network to said second network (see fig. 2, cells 212). But, Gao does not explicitly teach about a proxy, for use with a user device, comprising means to tack an ongoing session with said user device, wherein said session is a HTTP session, as claimed by applicant. However, in a related field of endeavor, Harvey teaches about a method of a proxy (see paragraph 0004), for use with a user device (see paragraph 0026), comprising means to tack an ongoing session with said user device , wherein said session is a HTTP session ((see paragraph 0009). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Gao with the teaching of Harvey for the advantage of avoiding/preventing the use of "cookies" for maintaining a state needed for a Web site (see paragraph 0003).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gao et al. (Gao) (US 2004/0067754 A1) in view of Harvey et al. (Harvey) (US 2004/0133563 A1) and further in view of (Oh et al. (Oh) (US 6,714,789 B1).

As per claim 12: some of the features of claim 12 are similar to the features of claim 6. Hence, similar features of claim 12 are rejected on the same ground and motivation as

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claim 6. Exception is the feature, "determining by said user device that said user device is in an area where said first network and said second network overlap", as claimed by applicant. However, in a related field of endeavor, Oh teaches that it is well known for a mobile station (user device) to determine its own location using a GPS device (see col. 3, lines 26-39; col. 8, line 61-col. 9, line 17). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Oh since doing so is well known in the art.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gao et al. (Gao) (US 2004/0067754 A1) in view of Harvey et al. (Harvey) (US 2004/0133563 A1) and further in view of Belkin et al. (Belkin) (US 2005/0070288 A1).

As per claim 20: some of the features of claim 20 are similar to the features of claim 6. Hence, features of claim 20 that are similar to the features of claim 6 are rejected on the same ground and motivation as claim 6. Different features are – a proxy interposed between a web browser and the heterogeneous wireless network environment and an information gateway interposed between the heterogeneous wireless network environment and the web server, which are not explicitly taught by the above references. However, in a related field of endeavor, Belkin teaches about a handover method and apparatus including an architecture comprising a proxy interposed between a wireless browser (fig. 1, element 102) and a heterogeneous network (fig. 1, elements 106 and 108) and a gateway (fig. 1, MGC) interposed between the heterogeneous wireless network environment (see fig. 1, elements 106 and 108) and the web server (see fig. 1, element 110 ; paragraph 0002). Therefore, it would have been obvious for

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one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Belkin for the advantage of supporting seamless handovers or handoffs between a first and a second communication network (see paragraph 0015). Furthermore, claim 20 is directed to a system for performing the method steps of claims 6 and 12. Hence, claim 20 is rejected on the same grounds and motivations as claims 6 and 12 since the system of claim 20 is required to perform the method steps of claims 6 and 12.

Response to Arguments

Applicant's arguments filed 9/22/06 have been fully considered but they are not persuasive. Applicant's arguments and corresponding examiner's responses are provided below.

(1) with regard to claim 6, applicant asserts “ According to communication layer classification, the claimed invention belongs to the Application layer, while the Gao method belongs to the network layer.”

Response: examiner respectfully disagrees with the assertion, in that there is not a definitive reference to any layer classification in claim 6.

(2) with regard to claim 6, applicant further asserts, “ In accordance with the claimed invention, network handoff is initiated by devices, while under the schemes provided by Gao, network handoff is initiated by networks or network operators.”

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Response: examiner respectfully disagrees with the argument. In that, there is no a clear reference in claim 6 as to who or which entity initiates the handoff.

(3) with regard to claim 6, applicant extends the argument by saying, "The claimed invention is network-agnostic, while Gao's method is network-dependent and carrier-dependent, Gao's method assumes that a heterogeneous network, for instance, CDAM or WLAN, are under the control of one network carrier."

Response: examiner respectfully disagrees with the argument. In that, the argument is based on a reference to a distinctive differential feature between the instant application and the prior art of record in general, but a feature that was not claimed as being argued."

(4) with regard to claim 6, applicant further asserts, "The claimed invention is fully distributed (each node makes its own decision about network switch) and Gao is centralized (a network operator makes decisions on behalf of users)."

Response: examiner respectfully disagrees with the argument since it is based on a feature that was not claimed in a manner as being argued. Applicant further asserts that the references of Gao and Harvey cannot be combined in any manner to teach or even suggest the invention claimed in claim 6. But, examiner submits that since all the arguments presented with regard to claim 6, as shown above, are unpersuasive, this later argument, which is based upon those unpersuasive arguments, is moot. Furthermore, as shown in the body of the rejection of claim 6, the two references in question are generally in the same field of endeavor and are combinable and teach/suggest, at least, to the extent of the scope to which claim 6 is bounded.

(5) with regard to claim 12 (rejected with Gao, in views of Harvey and Oh) , applicant asserts, "in contrast, the claimed method is completely independent of the frequency being use" and "contrariwise, the claimed method belongs to the application layer."

Response: examiner respectfully disagrees with the argument, in that this argument is being made based of features that were not claimed in a manner as being argued. Thus the argument is moot.

(6) with regard to claim 20 (rejected with Gao in views of Harvey and Belkin), applicant makes further clarification in reference to the instant application, based on features that were not claimed; and presents no particular argument, tying claim 20 to the references, that warrants a response.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold, Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless Zewdu

A handwritten signature in cursive script, appearing to read 'Meless Zewdu', written in black ink.

Examiner

15 November 2006.